
Appeal Decision

Site visit made on 22 November 2016

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 December 2016

Appeal Ref: APP/L3815/Y/16/3155783

Spire Cottage, Church Lane, Hunston, West Sussex PO20 1AJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Janet Howard against the decision of Chichester District Council.
 - The application Ref HN/16/0607/LBC, dated 9 February 2016, was refused by notice dated 15 April 2016.
 - The works proposed are replacement timber windows at first floor level, with timber glazed doors and clear glass screens, behind the slate mansard roof, on the modern single storey side extension.
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Decision

1. I dismiss the appeal.

Reasons

2. The property is listed Grade II and is within the Hunston Conservation Area. The main issue is therefore the effect of the works on the significance of the building and its setting within the conservation area. The appeal concerns only a listed building consent application and the Council have pointed out that under the current General Permitted Development Order, balconies are not permitted development and therefore a Householder planning application for this scheme would also be required were the listed building consent to be approved.
 3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 on the primacy of the Development Plan does not apply to applications and appeals made under the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 16(2) of the latter Act requires special regard to be had to the desirability of preserving the listed building or its setting or any special architectural or historic features it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. These duties are reflected in Policy 47 of the Chichester Local Plan on Heritage and Design.
 4. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be and the courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
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5. The Council have given details of the planning history, there having been other schemes in part or whole to gain access to and make use of the flat roofed area now the subject of the appeal. That area is over a modern extension to the listed building, in addition to which there is a two storey extension along the rear, so that the front bedroom on this side is within the historic part and the rear bedroom is in the more recent part, both having timber windows looking out over the flat roof. The front bedroom has one of the '*casement windows with latticed panes*' referred to in the listing description facing the road.
6. Looking first at the works to replace the windows with doors, whilst the Council equate this to access, that need not be the case, although the rooms do not appear to suffer a lack of light and hence the need for greater glazed areas. The appellant states that no change to the lintol height would be required, but drawing 12A compared with 3A clearly indicates a change, and an inspection of the depth of wall below the cill both inside and out shows that the flat roof is at a higher level than the internal floor, to which would be added the depth of the slabs. The indications are that the lintol height would need to be raised.
7. Although the lowered cill would not be visible from public ground-level places, the preservation of listed buildings does not rely on a public view. The works to the front bedroom window would involve loss of historic fabric at both top and bottom, and that to the rear bedroom alone would unbalance the composition.
8. With regard to the works to provide safe guarding to the proposed balcony, the frameless glazed panels appear to be in response to a previous scheme which the Council describe as being similar to the current appeal proposal, however, the 'safety screens' proposed around the perimeter of the balcony comprised glazed balustrades, mounted within black painted steel supports/frames (Ref; HN/15/02555/LBC, refused on 16 October 2015).
9. The screen would be less prominent through being clear-glazed and frameless, but would still present reflections and an alien feature in close proximity to the historic part of the listed building, and the triangular part shown on drawings 11A and 12A would appear disruptive to the junction of the side extension and the architecturally and historically significant front elevation.
10. The use of the balcony would also be considered as part of any planning application, but in terms of this listed building consent appeal, this would introduce activity even if items such as chairs would not be seen and larger items such as parasols could be avoided by condition. Even then this latter measure could prove to be difficult to enforce, and possibly unreasonable, since it would involve moveable items. Such activity would appear out of place and would erode the interest of the listed building in views from the road, albeit that this effect would be only over limited periods.
11. The proposal would cause harm to the significance of the listed building and for that reason harm to the character and appearance of the conservation area due to the prominent location of the building and the proposed balcony. The proposals would not accord with Policy 47, the tests in the 1990 Act and the aims of the Framework on designated heritage assets.
12. The level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and

this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

13. The building is advertised to be a 'bed and breakfast' establishment and is clearly in an attractive tourism area close to Chichester, the canal, countryside and coast, and there are good public transport services close by on the main road. However, there is no evidence that the business would not continue for lack of the access, and the phrase 'optimum viable use' should be taken to be with regard to the listed status and the statutory requirement to protect heritage assets.
14. No doubt the access would add to the attractiveness of the rooms, and would further the aims of tourism policies, but being only on the first floor there is ready access to any amenity space made available to users, and the view of the countryside is available from the windows in any event.
15. The appellant also states that the access would be a 'means of escape', although further information has not been provided. The balcony would possibly provide a place of safety to await rescue, but not a ready access to ground level and true safety away from the building. Fire precautions in a two storey domestic building usually provide for escape down the stairs and to outside, and it is unclear whether the business use brings with it the need for more structural precautions and fire doors than single family use might require. The place of safety appears less safe than direct escape down the stairs to the front door.
16. In the balance, the case has not been made for the works as a public benefit sufficient to outweigh the harm to the listed building and the conservation area, and therefore for the reasons given above it is concluded that the appeal should fail.

S J Papworth

INSPECTOR